HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ. & HON'BLE SHRI D.R. DESHMUKH, J.

M.A. (C) No.420 of 2007

Appellant : Nandkumar Singh, aged about 25 years, S/o Sri Murlidhar Singh Cast.- Rajput, R/o Ankira, The.- Kunkuri, Dist.- Jashpur (C.G.)

Versus

Respondents

1. Vijay Kumar Patel, aged about 50 years, S/o Sunderlal Patel, Cast Aghariya R/o Vil. Tasladih, Dist. Sundergarh (Orissa)
2. Dinbandhu S/o Sri Khedu aged about 32 year, R/o Village, Alekera, Thana Sadar, Dist. Sundergarh (Orissa)
3. Branch Manager, The New India Insurance Company Ltd. Tushar Market Colony, First floor Hospital Road, Sundargarh (Orissa)

Appeal under Section 173(2) of the Motor Vehicle Act.

Present : Shri Akhilesh Kumar, counsel for the appellant.

ORAL ORDER
(Passed on 11th April, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

This appeal arises out of an award passed by the Motor Accident Claims Tribunal, Jashpur in Case No.32 of 2005, dated 23-01-2007. Learned Presiding Officer of the Tribunal after considering the evidence on record has come to the conclusion that the appellant has failed to prove the nature of the injuries suffered by him and inspite of this the learned Presiding Officer has thought it fit to award a sum of Rs.41,797/- with appropriate interest to the appellant, may be by taking a very sympathetic attitude towards the appellant.

(2) It is expected of the appellant to prove the injuries suffered by him by adducing oral and documentary evidence. If he has failed to prove the injuries

before the Tribunal, it cannot be held that the Tribunal has committed any error in passing the award only to the tune of Rs.41,797/-.

(3) Having gone through the orders passed by the Tribunal and also the evidence on record, we are of the firm opinion that the Tribunal has not committed any error whatsoever which would call for our interference. In view of the above, the appeal requires to be rejected and it is rejected. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge